

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

VICKI THURMAN and
DAVID THURMAN
Plaintiffs

VS.

MISSOURI DEPARTMENT
OF CORRECTIONS
Defendant

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Case No. 2:18-cv-4005

COMPLAINT

PLAINTIFFS, by counsel, sets forth their Complaint against Defendant as follows:

1. This action is brought pursuant to the Family and Medical Leave Act of 1993.
2. The events giving rise to this cause of action occurred in the Western District of Missouri.
3. Defendant is an agency of the State of Missouri with its primary headquarters in Jefferson City, Missouri.
4. Plaintiff Vicki Thurman was an employee of the Missouri Department of Corrections until her discharge on May 18, 2015.
5. Plaintiff David Thurman was an employee of the Missouri Department of Corrections until his discharge on May 18, 2015.
6. At all times pertinent to this Complaint, Plaintiff Vicki Thurman and Plaintiff David Thurman were and remain spouses.
7. In 2015 Plaintiff Vicki Thurman had been employed by Defendant for at least one full year and had worked at least 1250 hours for Defendant.
8. In 2015 Plaintiff David Thurman had been employed by Defendant for at least one full year and had worked at least 1250 hours for Defendant.
9. While employed by Defendant, Plaintiff Vicki Thurman worked at Defendant's Eastern Reception, Correction, and Diagnostic Center in Bonne Terre, MO.
10. While employed by Defendant, Plaintiff David Thurman worked at Defendant's Eastern Reception, Correction, and Diagnostic Center in Bonne Terre, MO.
11. In 2015 Defendant employed at least 50 people within a 75-mile radius of Plaintiff's worksite.

12. In or about February, 2015 Plaintiff Vicki Thurman notified Defendant, via Defendant's agents, of her intention to take medical leave under the Family and Medical Leave Act.
13. Plaintiff requested FMLA leave in order to obtain treatment for her heart condition and anxiety.
14. At the time, Plaintiff Vicki Thurman was eligible to take FMLA protected leave.
15. In or about February, 2015 Plaintiff David Thurman notified Defendant, via Defendant's agents, of his intention to take medical leave under the Family and Medical Leave Act.
16. Plaintiff David Thurman requested FMLA leave in order to care for his wife, Plaintiff Vicki Thurman.
17. At the time, Plaintiff David Thurman was eligible to take FMLA protected leave.
18. Plaintiff Vicki Thurman complied with all legal requirements in order to obtain FMLA leave.
19. Plaintiff David Thurman complied with all legal requirements in order to obtain FMLA leave.
20. On or about April 28, 2015 Plaintiff Vicki Thurman was informed that her employment with Defendant would be terminated effective May 18, 2015.
21. On or about April 28, 2015 Plaintiff David Thurman was informed that his employment with Defendant would be terminated effective May 18, 2015.
22. Defendant terminated Vicki Thurman's employment in retaliation for exercising her rights under the Family and Medical Leave Act.
23. Defendant terminated David Thurman's employment in retaliation for exercising his rights under the Family and Medical Leave Act.
24. As a result of Defendant's actions, Plaintiffs have been damaged.
25. Defendant's actions were willful, malicious, and made with deliberate knowledge or intention that they would cause harm.
26. Plaintiffs demand a trial by jury.

WHEREFORE Plaintiffs pray the Court for judgment against Defendant for all of Plaintiffs' damages as permitted by law, for attorney fees, costs, punitive damages, and such other and further relief as is just and proper.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert

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